

Appln. No. 09/991,096  
Amendment dated November 14, 2005  
Reply to Office Action mailed August 12, 2005

### REMARKS

Reconsideration is respectfully requested.

Claims 1 through 34 remain in this application. No claims have been cancelled, withdrawn or added.

Claims 1 through 34 have been rejected under 35 U.S.C. §102(e) as being anticipated by Capps et al.

Claim 1, particularly as amended, requires "a user information handling system configured to detect and upload *data characterizing the user's interaction with the user information handling system during an initial setup* of the user information handling system". Claim 10 requires "a user information handling system capable of detecting and uploading data related to the user's out-of-box interaction with the user information handling system *during initialization*". Claim 12 requires "initializing the user information handling system including user interaction detecting capability, by the user" and "detecting, *during the initializing by the user*, data related to the user's interactions with the information handling system during initialization." (All emphasis added.)

In the rejection of the claims of the present application, the Capps patent is relied upon and it is alleged that the Capps patent anticipates the requirements of all of the claims of the present patent application. in general, the Capps patent discusses a system for migrating settings form one computer to another computer, usually when the user will no longer use a "source computer" and is going to use a "destination client" in the future with the same settings as the source computer.

One of the primary portions of the Capps disclosure that is being relied upon is the paragraph at col. 3, line 56 through col. 4, line 7, which states (emphasis added):

Appln. No. 09/991,096

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Migration manager 116, as will be developed more fully below with reference to FIG. 3, automatically collects configuration information, i.e., system setting, passwords, online service account information, and the like from a source computer to populate a migration file and, subsequently, configure a destination computer using the configuration information from the source computer. It is to be appreciated that the present invention need not utilize a dedicated migration file, but may simply add text describing the configuration information to an email message. During an initial access by the user using a source client computer, e.g., client 106, an instance of migration manager 116 is invoked. A unique identifier associated with either the user or the user's computer system (hardware and/or software) is automatically detected during the initial access, whereupon migration manager 116 compiles configuration information from the source computer to create the migration file, which is stored on data source 118 in the user migration information files 400.

However, as the Capps patent discusses a system for migrating information from one computer to another computer, presumably at the end of the useful life of the source computer, it is clear that the information collected from the source computer is not information or data that is being entered or configured by the user as part of any initialization of the source computer. In fact, Capps is discussing the exact opposite of the scenario presented by the claimed invention—collecting information long after the computer has been initialized. In the present invention, and as reflected in the “during an initial setup”, “during initialization”, and “*during the initializing by the user*” requirements of the claims, it is the information that is being entered into the information handling system during the initialization that is being detected and uploaded. Again, in contrast, Capps leads one of ordinary skill in the art to understand that information is being gathered from a computer that has already been setup or initialized, so that that information can be used to setup a different computer from the one being scanned.

Further, claim 20 requires “detecting an initialization of a user *when the user sets up a user information handling system*” and “saving the initialization activity *detected in said detecting step* to a file”. Similarly, but not identically, claim 22 requires “means for detecting an initialization

Appln. No. 09/991,096  
Amendment dated November 14, 2005  
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activity of a user *when the user initializes an information handling system*" and "means for saving the initialization activity *detected by said monitoring means* to a file". Clearly, as noted above, the Capps system is not active during any initialization of the source computer from which it is compiling "migration" information, and thus is not "saving the initialization activity detected in said detecting step to a file" as required by claim 20. The Capps patent clearly discusses the collection of information from the source computer long after its initialization, as the user is desirous of moving to another computer, and there is nothing here that suggests that the Capps system is collecting any user interaction data or initialization activity from the "new" computer being initialized.

Further, claim 27 requires that "the data related to the user's interaction includes a screen capture", claim 28 requires that "the data related to the user's interaction comprises data about a time period that a dialog box is open during the initial setup of the user information handling system", claim 29 requires that "the data related to the user's interaction comprises data about a time period between two designated events during the initial setup of the user information handling system", claim 30 requires that "the data related to the user's interaction comprises data about a utilization of a "HELP" button during the initial setup of the user information handling system", and claim 31 requires that "the data related to the user's interaction comprises data about an error message displayed during the initial setup of the user information handling system" The portion of the Capps patent cited as teaching these requirements is at col. 1, lines 35 through 62:

With the rapid advance of computer technology expanding the practical application of personal computers, coupled with a near-quarterly reduction in computer system prices, the life-span of computer systems has been effectively reduced, as consumers desire the newest hardware to take advantage of the newest software and services available. Those in the computing industry want to encourage this trend, increasing sales of new computers and associated software and services. A drawback associated with the purchase of a new

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computer system, given all of the time and effort spent to personalize the old computer system, is that no convenient method or system currently exists to transport the configuration information, e.g., system settings, passwords, application configurations, online service provider account information, and the like, from one computer to another. Consequently, the user is typically only left with the option of manually configuring the new computer system. In a computer running the Windows operating system, this task of manually configuring system parameters is eased by grouping a number of the more configurable aspects of the operating system within the "Control Panel", wherein a user can manually configure display parameters, networking parameters, passwords, etc. While this is merely a nuisance to the computer-literate, it can be a daunting task to a large segment of the computing public, who typically resort to paying for a technician to come in and configure the system settings, application parameters and the online service accounts.

However, this portion of the Capps patent is completely silent as to these particularized requirements regarding the data, and it is submitted that one of ordinary skill in the art would never arrive at these requirements from this discussion in Capps. Claim 32 further characterizes the initialization process, and again this is completely opposite of what is true of the source computer in Capps.

It is therefore submitted that the Capps patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in the claims discussed above, and therefore it is submitted that these claims are allowable over the prior art.

Withdrawal of the §102(e) rejection of claims 1 through 34 is therefore respectfully requested.

Appln. No. 09/991,096  
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**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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